

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOANNA P. MATTSON, on behalf of
herself and all others similarly situated,

Plaintiff,

v.

MILLIMAN, INC., et al.,

Defendants.

C22-0037 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Plaintiff's motion to seal, docket no. 79, which actually seeks to unseal certain materials, is DENIED in part and GRANTED in part as follows:

(a) The unredacted version of plaintiff's motion for class certification, docket no. 86, shall remain under seal. A redacted version of plaintiff's motion, docket no. 80, is available to the public.

(b) The version of the Declaration of Charles H. Field to which Exhibits 1–10 are attached, docket no. 87, shall remain under seal.

(c) Defendants do not object to the unsealing of Exhibits 1–3 and 5–9. See Defs.' Resp. at 1 & n.1 (docket no. 88). Plaintiff is DIRECTED to file, for public view, Exhibits 1–3 and 5–9 to the Declaration of Charles H. Field. The versions of Exhibits 8 and 9 that were filed under seal are redacted; if they were produced to plaintiff in unredacted form, they shall be filed, for public view, in unredacted form.

(d) The Court declines defendants' request to "strike" Exhibits 4 and 10. Filings cannot be removed from the record. The Court makes no ruling, however, regarding whether it will consider the sealed exhibits, one of which (Exhibit 10) is heavily redacted, in deciding plaintiff's motion for class certification.

(2) The parties' joint motion, docket no. 99, to modify the case schedule is GRANTED as follows:

BENCH TRIAL DATE	April 1, 2024
Length of Trial	5–15 days
Discovery on class certification issues completed by	deadline expired
Any motions related to class certification must be filed by	deadline expired
Deadline for filing any motion for leave to amend a pleading and for joining additional parties	deadline expired
Disclosure of expert testimony under FRCP 26(a)(2)	September 8, 2023
All motions related to discovery must be filed by	September 28, 2023
All remaining discovery completed by	November 3, 2023
All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter (see LCR 7(d))	November 9, 2023
All motions related to expert witnesses (<i>e.g.</i> , Daubert motion) must be filed by and noted on the motion calendar no later than the third Friday thereafter (see LCR 7(d))	November 16, 2023
Agreed pretrial order due	March 15, 2024
Trial briefs and proposed findings of fact and conclusions of law due	March 15, 2024
Pretrial conference to be held at 10:00 a.m. on	March 22, 2024

All other dates, including the deadline for disclosing rebuttal expert reports, are specified in the Federal Rules of Civil Procedure and Local Civil Rules. The Court does not set a separate deadline for fact discovery, and counsel are presumed capable of managing discovery in a manner that will enable them to complete all discovery by the deadline set

1 forth above. The provisions of the Minute Order entered December 14, 2022, docket
2 no. 67, concerning any alteration of the case schedule and the need for counsel to be
3 prepared to commence trial on the date set, the agreed pretrial order and the form of the
exhibit list to be included therein, the numbering of trial exhibits, and immediate
communication to the Court of any settlement, remain in full force and effect.

4 (3) Plaintiff's motion to compel, docket no. 89, is GRANTED in part and
DENIED in part as follows:

5 (a) Pursuant to defendants' offer to produce responsive electronically-
6 stored materials dating back to January 1, 2015, see Defs.' Resp. at 1 (docket
no. 97), they shall do so within thirty (30) days of the date of this Minute Order.

7 (b) Plaintiff's motion is otherwise denied. Plaintiff has not provided
8 copies or excerpts of any of the apparently sixty-four (64) requests for production
9 at issue, and absent some information about the nature of the materials plaintiff
10 seeks in discovery, the Court cannot determine whether plaintiff's request for
records from 2013 and 2014 is consistent with the standards set forth in Federal
Rule of Civil Procedure 26(b)(1).

11 (c) The Court declines to award attorney's fees or costs to either side.

12 (4) The Clerk is directed to send a copy of this Minute Order to all counsel of
record.

13 Dated this 21st day of July, 2023.

14 Ravi Subramanian
15 Clerk

16 s/Laurie Cuaresma
17 Deputy Clerk
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